

~~PAID~~
~~FILE~~
~~NO~~

PB20-05
TOWN OF WESTFIELD
APPLICATION

45 day
review 8/15/20
today decision
date 11/14/20

I. Identification:

This appeal is from (applicant's name) Lynn R. Mollick & Milton C. Spett

street address 904 Cranford Avenue

telephone 908-233-2517 (Lynn)

e-mail lynnmollick@gmail.com

fax N.A.

for property in Westfield, NJ located at (street address) 904 Cranford Avenue

II. To: (check one)

☒ Planning Board

☐ Board of Adjustment

Board Secretary: Ms. Linda Jacus

908-789-4100 extension 4602

Both Boards: 959 North Avenue West, Westfield, NJ 07090:

FAX 908-789-4113

III. For a Hearing For: (Check all applicable)

Specific Applicable Sections of the Westfield L.U.O. for:

Submission Requirements Checklists

Procedures

- | | | |
|--|--------------------------------|---|
| <input checked="" type="checkbox"/> *C variances | 4.03A, 9.02, 9.03, 9.11 | 4.04, 7.01C, 7.01D,
8.03, 8.04, 8.06, 8.13, 8.14 |
| <input type="checkbox"/> *D variances | 4.03A, 9.02, 9.03, 9.11 | 4.04, 7.01C, 7.01D,
8.03, 8.04, 8.06, 8.13, 8.14 |
| <input type="checkbox"/> Conceptual Site
Plans & Subdivisions | 9.04 | 8.07 |
| <input type="checkbox"/> Minor Site Plan | 9.02, 9.03, 9.08 | 8.06, 8.08, 8.13, 8.14, 8.23 |
| <input type="checkbox"/> *Preliminary Major Site Plan | 4.03C, 9.02, 9.03, 9.09 | 4.04, 8.04, 8.06, 8.10,
8.13, 8.14, 8.19, 8.23 |
| <input type="checkbox"/> Final Major Site Plan | 9.02, 9.03, 9.10 | 8.06, 8.11 |
| <input checked="" type="checkbox"/> Minor Subdivision | 9.02, 9.03, 9.05 | 8.01, 8.06, 8.09, 8.13,
8.14, 8.23 |
| <input type="checkbox"/> *Preliminary Major Subdivision | 4.03D, 9.02, 9.03, 9.06 | 4.04, 8.01, 8.04, 8.06, 8.10,
8.13, 8.14, 8.19, 8.23 |
| <input type="checkbox"/> Final Major Subdivision | 9.02, 9.03, 9.07 | 8.06, 8.11 |
| <input type="checkbox"/> **Conditional Use | 9.02, 9.03 | 4.04, 8.06, 8.13, 8.14 |
| <input type="checkbox"/> *Structure in street, drainage way,
flood basin, reserved area | 4.03F, 7.01E2 | 4.04, 7.01E, 8.04,
8.06, 8.13, 8.14 |
| <input type="checkbox"/> *Structure on lot not abutting street | 7.01F2 | 4.04, 7.01F, 8.04,
8.06, 8.13, 8.14 |
| <input type="checkbox"/> *Board of Adjustment "a" appeal/
administrative officer error | 7.02B2 & 3 | 7.02A & B, 8.04, 8.06, 8.13, 8.14 |
| <input type="checkbox"/> *Board of Adjustment "b" appeal/
interpretation ordinance/map | 4.03B, 7.02C1 & 2 & 3 | 4.04, 7.02A & C,
8.04, 8.06, 8.13, 8.14 |
| <input type="checkbox"/> Residential cluster | 9.02, 9.03, 9.06, 8.12, 11.03F | 8.13, 8.14 |

***Public noticing is required pursuant to Section 4.03 & 4.04 ** A major site plan review is also required with a conditional use application**

IV. Application Description: Briefly describe the nature and scope of this application, including proposed uses and improvements. All subdivision appeals must state the present and proposed number of lots.

See attached Statement of Principal Points

V. Reasons: Briefly summarize the reasons why you believe this appeal should be granted.

See attached Statement of Principal Points

VI. Property Description: Please provide the following information about the property, which is the subject of this appeal.

•Enclose a scaleable (full size) copy of a location survey of the property; showing the surveyors name and license number, and date of survey, if this information is not otherwise provided on a site plan or subdivision plat. Survey can be no more than 2 years old.

•Street address 904 Cranford Avenue

Zone district RS-10 Block No. 3605 Lot No. 11

•Dimensions of lot 100x100x20x100x80x200 Area of lot 18,000 +/- sq. ft.

•Use of premises present single-family residence
proposed no change

The proposed use is: ☒ permitted by ordinance ☐ a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment
☐ a use permitted by variance ☐ a nonconforming (i.e. "grandfathered") use ☐ not a permitted use

Name of Owner same as Applicant Telephone No. _____
Street address of Owner _____ Fax. No. _____

•Does the above owner also own any property that abuts the subject property?

☒ No ☐ Yes If yes, address: N.A.

If yes, is the abutting property subject to the Loechner-Campoli rule of merger? ☐ No ☒ Yes (If you don't know, check with the Tax Assessor in the Municipal Building.)

•Are there any present deed restriction(s) which affect this property? ☐ No ☒ Yes If yes, attach copy of deed, including language of restriction(s). 10' wide sewer easement depicted on plans

•Are there any pending proceedings, concerning the property which is the subject of this application, before any federal, state, or local board of authority? ☒ No ☐ Yes If yes, list here and attach a brief description of each.

VII. Attorney Identification: Private individuals, or sole proprietors may represent themselves (i.e. present the application) before the Board. All other categories of applicants must be represented by an attorney. (reference: 1998 Cox - pages 477 & 478)

If applicant (or owner) is to be represented by an attorney, please furnish the following information:

Attorney's name Stephen Hehl, Esq. Telephone No. 908-687-7000
Attorney's firm Javerbaum Wurgaft Fax. No. _____
Street address 370 Chestnut St., Union, NJ 07083

VIII. Notarization:

I/We, the undersigned applicant(s) do hereby grant permission for the members of the Planning Board, and the Zoning Board of Adjustment, their Attorney and the Zoning Officer of the Town of Westfield, NJ to enter upon the property which is the subject of this application, during all daylight hours during the pendency of this application. Permission to enter structures will be given for a mutually agreeable time.

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct.

Lynn R. Mollick
Signature of Applicant (in the presence of a Notary)

Print Name : Lynn R. Mollick

Sworn and Subscribed to
before me this 2
day of May, 2020

Address: 904 Cranford Avenue
Westfield, NJ 07090

Eugene S. Cerulli
Notary Public

Home phone 908-233-2517 (Lynn; cell) landline

EUGENE S. CERULLI
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/26/2022

Business phone 908-451-6797

IX. Do not write in the following spaces:

TO BE COMPLETED BY THE ZONING OFFICER:

• To the best of my knowledge and belief, this application is complete and correct.

• This application is currently the subject of a:

_____ Zoning violation notice, No. _____, copy enclosed.
_____ Municipal Court complaint, docket No. _____, copy enclosed.
_____ Other pending action, (describe) _____
_____ None of the above

Signature

TO BE COMPLETED BY THE BOARD SECRETARY:

Has there been any previous appeals(s) involving these premises?

☐ No ☐ Yes If yes, attach copies of resolution(s)

TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:

Application accepted as complete on 7/11/20

[Signature]
Signature

7/11/20

TOWN OF WESTFIELD

LIST OF EXISTING NON-CONFORMING ZONING CONDITIONS

Section 7.01B Review of existing non-conforming conditions in connection with applications for variances or for the direction of the issuance of certain permits.

In reviewing applications for variances or for the direction of the issuance of certain permits, the Board shall determine whether any existing non-conforming conditions involving the subject property will exacerbate, intensify, alter, affect or in some way result in a significant impact on the proposed use, structure or land. If the Board finds that no substantial impact or detriment will result, the Board shall so state in its findings of fact in the resolution for the application, without the need for such existing non-conforming conditions to meet the criteria established by N.J.S.A. 40:55D-34, 36, 51a, 51b, 70c and 70d and this ordinance for variances or exceptions. If the Board finds that substantial impacts or detriments will result, however, the application shall not be approved unless and until the applicant agrees to mitigate or eliminate such impacts or detriments to the maximum extent feasible.

The above shall not be construed to alter the review procedures not the criteria for granting variances or exceptions for violations proposed by the development or existing illegally on the subject property.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
2.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
3.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
4.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
5.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
6.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:

7/1/20

TOWN OF WESTFIELD

LIST OF NEW C.40:55D-70 c AND d VARIANCES REQUESTED

SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION

In addition to the submission requirements for the individual categories of applications in the following sections, all categories of applications, except for conceptual site plans and conceptual subdivisions, shall be required to submit a statement indicating all of the provisions of the Land Use Ordinance from which a waiver or variance is sought.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section: 11.07.E.1 Lot 11.02 Only	Nature of Deficiency: Minimum Lot Area
	Permitted: 10,000 SF	Present: N/A Proposed: 8,000 SF
2.	Section: 11.07.E.2 Lot 11.02	Nature of Deficiency: Minimum Lot Area @ 125 ft 143'
	Permitted: 10,000 SF	Present: N/A Proposed: 8,000 SF
3.	Section: 11.07.E.4 Lot 11.01	Nature of Deficiency: Minimum Lot Depth
	Permitted: 120 ft	Present: N/A Proposed: 100 ft
4.	Section: 11.07.E.4 Lot 11.02	Nature of Deficiency: Minimum Lot Depth
	Permitted: 120 ft	Present: N/A Proposed: 100 ft
5.	Section: 13.02.C.2	Nature of Deficiency: Rear Setback to Accessory Structure
	Permitted: 25 ft	Present: N/A Proposed: 19.22 ft
6.	Section: 12.04.F	Nature of Deficiency: Maximum Building Coverage With Deck
	Permitted: 22 %	Present: N/A Proposed: 23.02 %
7.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
8.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:

APPLICANT: LYNN R. MOLLICK & MILTON C. SPETT

**PROPERTY: 904 CRANFORD AVENUE
BLOCK 3605, LOT 11
RS-10 ZONE**

STATEMENT OF PRINCIPAL POINTS

The within Application involves a request for Minor Subdivision and Bulk Variance approvals in connection with the property located 904 Cranford Avenue, Westfield, New Jersey and designated as Block 3605, Lot 11 on the Tax Maps of the Township of Westfield (the "Property"). The Property is located in the RS-10 (Single-Family Residence) Zone District (the "RS-10 Zone"). The Property is owned by the Applicants, Lynn R. Mollick & Milton C. Spett (the "Applicants"). The Applicants are proposing to subdivide the current 18,000 square foot lot, which contains an existing single-family home with attached garage and deck.

The proposed Lot 11.01 will be 10,000 square feet and retain the existing single-family dwelling and deck. Lot 11.02 will retain its frontage along Cranford Avenue, and the desire to keep the existing deck necessitates a *de minimus* variance for the rear yard setback (25' required; 19.22 proposed; §13.02 C.2) Additional Variance relief for Lot 11.02 is requested for 1) Lot Depth (§11.07 E.4): 120' required and 100' is proposed, and 2) Maximum Building Coverage (§12.04 F.): 20% permitted (22% including deck) where 23.02% is proposed (including deck); *please note*: that Applicant meets the alternative standard for Maximum Building Coverage (§12.04 F.) which is 3,600 SF, while only 2,302 SF is proposed.

The proposed Lot 11.02 will be 8,000 square feet and will have frontage on Morris Avenue. The Applicants are proposing to create a buildable lot (Lot 11.02) upon which a future owner could construct a new single-family dwelling, which lot will meet or exceed all setback requirements under the Township Land Use regulations, however, Lot 11.02 requires relief from the Lot Depth standard (§11.07 E.4): 120' required and 100' is proposed. The proposed Lot 11.02 also does not meet the Minimum Lot Area (§11.07 E.1) requirement at 8,000 SF, where 10,000 is required.

7/1/20

The Application requests variances as described above and as set forth on the Zoning Chart, and also requests relief from the Residential Site Improvement Standards ("RSIS"), as follows:

RS-10	SINGLE FAMILY RESIDENTIAL		REQUIRED	LOT 11		LOT 11.01		LOT 11.02	
				EXISTING	VAR.	PROPOSED	VAR.	PROPOSED	VAR.
SECT. 11.07 E.1	MIN. LOT AREA		10,000 S.F.	18,000.00 SF	NO	10,000.00 SF	NO	8,000.00 SF	YES
SECT. 11.07 E.2	MIN. LOT AREA @ ≤ 125' DEPTH		10,000 S.F.	10,160.00 SF	NO	10,000.00 SF	NO	8,000.00 SF	YES
SECT. 11.07 E.2 SECT. 11.07 E.3	MIN. LOT WIDTH & FRONTAGE		70.00'	100'	NO	100'	NO	80'	NO
SECT. 11.07 E.4	MIN. LOT DEPTH		120.0'	200.00'	NO	100.00'	YES	100.00'	YES
SECT. 11.07 E.5	MIN. FRONT SETBACK		30.00' PREVAILING = 19.36' (MINIMUM + 5.0')	30.08'	NO	30.08'	NO	30.0'	NO
SECT. 11.07 E.6	MIN. SIDE SETBACK		10.0' EA./20' TOT.	20.56'/ 41.60'	NO	20.56'/ 41.60'	NO	WILL COMPLY	NO
SECT. 11.07 E.7	MIN. REAR SETBACK		35.0'	136.36'	NO	36.53' HOUSE	NO	WILL COMPLY	NO
SECT. 13.02 C.2	MIN. REAR SETBACK ACCESSORY STRUCTURE		25.0'	119.22'	NO	18.22' DECK	YES	WILL COMPLY	NO
SECT. 11.07 E.8	MAX. BLDG. HT.		2-1/2 STY./32'	2 STY.	NO	2 STY.	NO	2-1/2 STY. 32'MAX.	NO
SECT. 12.04 E	F.A.R.	LOT 0-9,999 S.F. 11.02 37%<3200 S.F.	LOTS > 10,000 S.F. 11&11.01 32%<3600 sf	15.56% (2,800 sf)	NO	28.00 % (2,800 sf)	NO	WILL COMPLY	NO
SECT. 12.04 F	MAX. BLDG. COVERAGE		20% (22% INCL. DECK) <3,600 S.F.	12.79%(2,302 sf) (INCL. DECK)	NO	23.02%(2,302 sf) (INCL. DECK)	YES	WILL COMPLY	NO
SECT. 12.04 G	MAX. LOT COVERAGE		<6,400 S.F. 50%	17.23% (3,102 S.F.)	NO	31.02% (3,102 S.F.)	NO	WILL COMPLY	NO

RSIS WAIVERS REQUESTED:

MINIMUM RIGHT OF WAY WIDTH 50.00' REQUIRED - 40.00' EXISTING.
PEDESTRIAN SIDEWALK REQUIRED - SIDEWALK NOT PROPOSED
CURB REQUIRED ON MORRIS AVENUE - CURB NOT PROPOSED
MINIMUM CARTWAY WIDTH 28' REQUIRED - 22' PROPOSED

Professional testimony will be offered at the public hearing provided additional details of the surrounding area and the justification for the variances and waivers sought. For the reasons discussed above, we respectfully request that the request for a Minor Subdivision be approved.

**TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY**

AFFIDAVIT OF OWNERSHIP

☒ We, Lynn R. Mollick & Milton C. Spett, of full age, being duly sworn
(Print Name)

We are

according to law, do hereby certify that ~~I am~~ the (check one) ☒ owner or ☐ duly authorized officer of the owner (as listed on the application form), of the following property which is the subject of the within application to the Westfield Planning Board or Zoning Board of Adjustment:

Block & Lot (s) Block: 3605; Lot: 11


Street Address(es) 904 Cranford Avenue

Check one:

1. ☒ As the owner (or officer of), I am the Applicant in the within application.
2. ☐ As the owner (or officer of), I am not the Applicant. I certify that I have reviewed and consent to the within application and that the information contained herein is true and correct to the best of my knowledge. I authorize the following entity/individual to act as the Applicant in making this application:

a. Authorized Individual/Entity: _____

b. Authorized Individual/Entity Interest in Property (i.e., Tenant, Contract Purchaser): _____


(Signature of Owner/Officer of Owner)
Lynn R. Mollick, for both owners

Sworn and subscribed to
before me on this 2
day of May, 2020.



Notary Public

EUGENE S. CERULLI
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/26/2022

7/1/20

Westfield, New Jersey



Block/Lot/Qual:	3605. 11.	Tax Account Id:	6127
Property Location:	904 CRANFORD AVE	Property Class:	2 - Residential
Owner Name/Address:	SPETT, MILTON C & MOLICK, LYNN R	Land Value:	512,000
	904 CRANFORD AVE	Improvement Value:	282,500
	WESTFIELD, NJ 07090	Exempt Value:	0
		Total Assessed Value:	794,500
		Additional Lots:	None
Special Taxing Districts:		Deductions:	

Taxes Utilities

<div> Make a Payment View Tax Rates View Current Bill Project Interest </div>							
Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2020	02/01/2020	Tax	4,270.44	0.00	0.00	0.00	PAID
2020	05/01/2020	Tax	4,270.44	0.00	0.00	0.00	PAID
Total 2020			8,540.88	0.00	0.00	0.00	
2019	02/01/2019	Tax	5,210.97	0.00	0.00	0.00	PAID
2019	05/01/2019	Tax	5,210.97	0.00	0.00	0.00	PAID
2019	08/01/2019	Tax	3,325.94	0.00	0.00	0.00	PAID
2019	11/01/2019	Tax	3,333.87	0.00	0.00	0.00	PAID
Total 2019			17,081.75	0.00	0.00	0.00	
2018	02/01/2018	Tax	5,182.39	0.00	0.00	0.00	PAID
2018	05/01/2018	Tax	5,182.38	0.00	0.00	0.00	PAID
2018	08/01/2018	Tax	5,239.55	0.00	0.00	0.00	PAID
2018	11/01/2018	Tax	5,239.55	0.00	0.00	0.00	PAID
Total 2018			20,843.87	0.00	0.00	0.00	
Last Payment: 04/30/20							

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7/1/20

Westfield, New Jersey



Block/Lot/Qual:	3605. 11.	Tax Account Id:	6127
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	WESTFIELD, NJ 07090	Exempt Value:	0
		Total Assessed Value:	794,500
		Additional Lots:	None
Special Taxing Districts:		Deductions:	

Taxes Utilities

Click on the Utility Account Id to see more information or to make a payment.

Account	Service	Due Date	Current Bill	Current Balance	Delinquent Balance	Interest	Total
5951-0	Sewer	04/01/2020	195.00	0.00	0.00	0.00	0.00
Account Total			195.00	0.00	0.00	0.00	0.00

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